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GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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COMMISSION ON WATER RESOURCE MANAGEMENT

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W. ROY HARDY
ACTING DEPUTY DIRECTOR - WATER

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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
CARTY S. CHANG
Interim Chairperson**

**Before the House Committees on
WATER AND LAND
and
OCEAN, MARINE RESOURCES, AND HAWAIIAN AFFAIRS**

**Friday, April 17, 2015
11:00AM
State Capitol, Room 325**

**In consideration of
SENATE CONCURRENT RESOLUTION 15
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT KAHUKU,
KOOLAULO, OAHU, FOR THE USE, MAINTENANCE AND REPAIR
OF THE EXISTING DRAINAGE STRUCTURE**

Senate Concurrent Resolution 15 requests the authorization to issue a term, non-exclusive easement covering a portion¹ of state submerged lands fronting the property identified as tax map key: (1) 5-6-003:seaward of 010, at Kahuku, Koolauloa, Oahu for use, maintenance and repair of existing drainage structure constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources ("Department") supports this Administration concurrent resolution.**

The current owner of the abutting property, Makai Ranch, LLC, worked with the Department to resolve the encroachment. The improvements were found encroaching on State lands located makai of the shoreline and such area should be considered as submerged lands. As required by Section 171-53, HRS, the Board of Land and Natural Resources ("Board") may lease submerged lands "with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution". At its meeting on June 27, 2014, under agenda item D-13, the Board approved the issuance of a term, non-exclusive easement for purposes stated above.

¹ Area to be surveyed and determined.

The grantee shall pay the State the fair market value of the easement as consideration for the use of public lands. The amount of consideration shall be determined by an independent appraisal.